IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 9573 of 2007(M)

PETITIONER:

V.C.LATHIKA, MANAGER,
KALLODE ALP SCHOOL, KALLODE, KOZHIKODE DISTRICT.

BY ADV. SRI.P.K.SURESH KUMAR
SMT.PRIYA VIJAYAN

RESPONDENTS:
----

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE.

3. THE ASSISTANT EDUCATIONAL OFFICER,
PERAMBRA, KOZHIKODE DISTRICT.

ADDL. 4. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

(ADDL. R4 IS IMPLEADED SUO MOTU AS PER JUDGMENT DT. 21.3.2007)

BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 9573 OF 2007 M

Dated this the 21st March, 2007

JUDGMENT

Prayer of petitioner is to direct first respondent to consider and pass orders on Ext.P4 Revision Petition. Ext.P4 is seen to be filed against Ext.P3. Ext.P3 is seen to be an order passed on an appeal against an order of staff fixation. An appeal lies at the instance of the Manager against the order of staff fixation under Rule 12 (D) of Chapter XXIII KER. A Revision lies under Rule 12(F) of Chapter XXIII KER only against an order passed by the Director of Public Instruction under Rule 12(E) of Chapter XXIII KER. The remedy of the petitioner, if she is aggrieved by Ext. P3 would be to prefer a Revision Petition under Rule 12E (3) of Chapter XXIII KER. In such circumstances, I feel that the prayer as such in the Writ Petition may not lie. However, if the petitioner prefers a Revision Petition under Rule 12E(3) of Chapter XXIII KER before the Director of Public Instruction, who is suo motu impleaded as the addl. fourth respondent and

for whom the Government Pleader appears, within two weeks from today, a decision shall be taken thereon by the additional fourth respondent in accordance with law, after affording an opportunity of hearing to the petitioner and any other affected party, within a period of two months from the date of receipt of the Revision Petition. It is open to the petitioner to rely on Ext.P1 Judgment also before the additional fourth respondent.

K. M. JOSEPH, JUDGE

kbk.